

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In Re:	Case No.: 25-70001-JAD
WILSON CREEK ENERGY, LLC, <i>et al.</i> , ¹	Chapter 11
Debtors.	<i>Jointly Administered</i>
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WILSON CREEK ENERGY, LLC, <i>et al.</i> ,	Related to Document. No.: 293
Debtors-Movant,	Hearing Date: March 5, 2025
v.	Hearing Time: 9:00 AM (EST)
LCT ENERGY, LP	Response Deadline: March 3, 2025
Respondent.	

**THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS'
RESERVATION OF RIGHTS TO EMERGENCY MOTION FOR ENTRY OF AN
ORDER: (I) COMPELLING COMPLIANCE WITH BIDDING PROCEDURES AND
CONFIDENTIALITY AGREEMENT; (II) COMPELLING DESTRUCTION OF ALL
CONFIDENTIAL INFORMATION OBTAINED BY LCT ENERGY, LP PURSUANT
TO CONFIDENTIALITY AGREEMENT; AND (III) GRANTING RELATED RELIEF**

The Official Committee of Unsecured Creditors of Wilson Creek Energy *et al.* (the “Committee”), by and through its undersigned proposed counsel, hereby submits this reservation of rights (the “Reservation”) to entry of an order granting the *Emergency Motion for Entry of an Order: (I) Compelling Compliance with Bidding Procedures and Confidentiality Agreement; (II) Compelling Destruction of All Confidential Information Obtained by LCT Energy, LP, Pursuant*

¹ The Debtors in these Chapter 11 Cases are: Wilson Creek Energy, LLC; Wilson Creek Holdings, Inc.; Maryland Energy Resources, LLC; Mincorp Acquisition Corp.; Mincorp Inc.; PBS Coals, Inc.; Roxcoal, Inc.; Quecreek Mining, Inc.; Croner, Inc.; Elk Lick Energy, Inc.; and Corsa Coal Corp.

to Confidentiality Agreement; and (III) Granting Related Relief [Docket No. 293] (the “Motion”),² filed by Wilson Creek Energy, LLC and the other debtors (collectively, the “Debtors”) in these jointly-administered chapter 11 cases (the “Chapter 11 Cases”). In support hereof, the Committee respectfully states as follows:

1. “In general, the purpose of a bankruptcy sale is to obtain the highest and best price for the estate and thus for its creditors and equity holders.” *In re Reading Broadcasting, Inc.*, 386 B.R. 562, 575 (Bankr. E.D. Pa. 2008) (citation omitted). To achieve this outcome, it is vital that the sale process be conducted with integrity. *See, e.g.*, 11 U.S.C. 363(m); *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F.2d 143, 147-50 (3d Cir. 1986).

2. By the Motion, the Debtors make serious accusations regarding the sale process and an interested bidder. Though counsel for the Committee has communicated with counsel for both the Debtors and the relevant interested bidder, the Committee lacks first-hand knowledge of the most relevant allegations. As a result, the Committee does not join in or oppose the Motion at this time.

3. Nevertheless, the Committee seeks to reserve the right to weigh in on the issues raised in the Motion as facts and arguments develop. Further, to the extent that the Debtors’ bankruptcy estate has a cause of action related to the allegations in the Motion, that cause of action should be preserved for the benefit of the Debtors’ unsecured creditors.

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² Capitalized terms not defined herein shall have the meaning ascribed to them in the Motion.

For the foregoing reasons, the Committee reserves all rights regarding the Motion.

Dated: March 3, 2025

Respectfully submitted,

/s/ Thomas D. Maxson

Thomas D. Maxson

DENTONS COHEN & GRIGSBY PC

625 Liberty Avenue, 5th Floor

Pittsburgh, Pennsylvania 15222

Telephone: (412) 297-4706

E-mail: thomas.maxson@dentons.com

-and-

James Irving (Admitted *Pro Hac Vice*)

DENTONS BINGHAM GREENEBAUM LLP

3500 PNC Tower

101 South Fifth Street

Louisville, KY 40202

Phone: (502) 589 4200

Email: james.irving@dentons.com

*Proposed Counsel to the Official Committee of
Unsecured Creditors*

CERTIFICATE OF SERVICE

I certify that on March 3, 2025, the above and foregoing document was filed electronically using CM/ECF and a true and correct copy of the above and foregoing was served as follows:

X upon filing, the Court's electronic noticing system sent notice to all parties participating in the CM/ECF system in this matter.

/s/ Thomas D. Maxson
Thomas D. Maxson